IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 7865 of 2004

Between:

Natava Yellaiah S/o Late Sri Venkata Swamy
Giddalur, Prakasham District

..... PETITIONER

AND

1. The Judicial Magistrate of First Class-cum- Superintendent, Sub Jail, Giddalur, Prakasaham District.
2. The First Additional District & Sessions Judge, Prakasam District Ongole.
3. Syed Peera Vali, R/o Yadava Veedhi, Giddalur, Prakasham District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ order or direction particularly one in the nature of Mandamus declaring the Proceedings dated 20-03-2004 of the first respondent herein recommending the Tender of the third respondent herein for supply of the food articles as illegal, arbitrary, unsustainable, unconstitutional and consequently nullifying the same direct the first and Second respondents to accept my lowest tender for the supply of food articles for the year 2003-2004.

Counsel for the Petitioner: Dr.P.B.VIJAY KUMAR

Counsel for the Respondents 1&2: Smt. M.Bhaskara

Lakshmi, SC for APHC.

Counsel for Respondent No.3: None present.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The Writ Petition filed questioning the award of contract in favour of Syed Pedda Khader Vali is misconceived inasmuch as the successful bidder has not been impleaded as party-respondent, and, in his place, Syed Peera Vali has been impleaded as party-respondent. Tenders were called for supply of dietary articles including tea per day per head. Petitioner also participated in the tender. Petitioner offered Rs.28.00 for supply of dietary articles and Rs.4.00 for tea for two times per head and the total rate quoted by the petitioner was Rs.32.00, whereas the successful bidder quoted total amount of Rs. 31.50, namely, Rs.30.70 for dietary articles and Rs.0.80 paise for tea. Syed Peera Vali is the 3rd respondent herein whose bid was not accepted since his bid was higher than the petitioner. The grievance of the petitioner is that insofar as dietary articles are concerned, his rates were lower than that of successful bidder, and, for that reason, contract should have been awarded to him.

In the absence of mala fides or arbitrariness, there cannot be any interference in such like matters in exercise of writ jurisdiction. Tenders have been awarded to the lowest tenderer, and, the petitioner was not the lowest tenderer. Even conditions of tender did not say that item-wise rates have to be compared. Therefore, overall rates have been compared. The Writ Petition being misconceived is, therefore, dismissed. No costs.

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DEVINDER GUPTA, C.J.

5.8.2004.

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C.V.RAMULU, J.

VR.

To

1. The Judicial Magistrate of First Class-cum- Superintendent, Sub Jail, Giddalur, Prakasaham District.
2. The First Additional District & Sessions Judge, Prakasam District Ongole.

3. Two CD copies.